

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DANIEL CLARK SUMMERS,

Petitioner, No. 3:14-cv-00390-SU

v.

ORDER

MARION FEATHER,
Warden FCI Sheridan,

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Patricia Sullivan issued Findings & Recommendation [36] on July 14, 2015, recommending that Petitioner's Petition [2] be allowed, that his sentence be vacated, and that the case be remanded to the United States District Court of the Western District of Washington for re-sentencing. Respondent has timely filed objections [38] to the Findings & Recommendation. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When a party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

I have carefully considered Respondent's objections and conclude there is no basis to modify the Findings & Recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Sullivan's Findings & Recommendation [36], and therefore, Petitioner's Petition [2] is allowed, his sentence is vacated, and this case is remanded to the United States District Court for the Western District of Washington for re-sentencing.

IT IS SO ORDERED.

DATED this 5 day of August, 2015.



MARCO A. HERNÁNDEZ
United States District Judge